

## A REVIEW OF H.R. 10: DEPARTURES FROM 9-11 COMMISSION RECOMMENDATIONS

COMMISSION RECOMMENDATION	CONTAINED IN H.R. 10?
<p><b>National Intelligence Director</b></p> <p>The Commission recommended that the NID have full budgetary authority over the national intelligence agencies. The NID would also approve and submit nominations for the head of the CIA, DIA, FBI Intelligence Office, the NSA, NGA, NRO, the Director of Information Analysis at DHS, and other key intelligence organizations.</p>	<p style="text-align: center;"><b>NO</b></p> <p>The Republican leadership bill allows the NID to transfer funds between the intelligence programs only with the approval of OMB, and imposes other limitations on the NID’s budgetary authority.</p> <p>Under the Republican bill, the NID would recommend a nomination only for the Deputy National Intelligence Director and the Director of the CIA. For a few appointments, the “concurrence” of the NID would be required. For others, only “consultation” with the NID would be necessary.</p>
<p><b>National Counterterrorism Center (NCTC)</b></p> <p>The Commission recommended that the head of the NCTC be appointed by the President, and that he or she be confirmed by the Senate. This position would be equivalent in rank to the deputy head of a cabinet department, and have the authority to evaluate the performance of people assigned to the Center. The NCTC should lead all strategic intelligence analysis, assign operational responsibilities to lead agencies, and track implementations of operations.</p>	<p style="text-align: center;"><b>NO</b></p> <p>The Republican leadership bill allows the NID to appoint the head of the NCTC. The position would not be Senate confirmed or have the rank of a deputy head of a cabinet department. The bill does not provide any explicit authority for the head of the NCTC over personnel assigned to the Center.</p> <p>The NCTC does not have explicit authority to assign operational responsibilities to agencies or track implementation of operations.</p>
<p><b>Securing Nuclear Materials</b></p> <p>The Commission recommended strengthening counter-proliferation efforts, including the Nunn-Lugar programs to secure unsecure nuclear materials in Russia and around the globe.</p>	<p style="text-align: center;"><b>NO</b></p> <p>The Republican leadership bill fails to take any action to strengthen these critical programs, only requiring a study on the obstacles to counter-proliferation efforts.</p>

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<b>COMMISSION RECOMMENDATION</b>	<b>CONTAINED IN H.R.10?</b>
<p><b>Budget for Intelligence Agencies</b></p> <p>The Commission recommended that the overall amounts of money being appropriated for national intelligence and to its component agencies should no longer be kept secret, and that Congress should pass a separate appropriations act for intelligence.</p>	<p><b>NO</b>      The Republican leadership bill does not implement this recommendation.</p>
<p><b>Cooperation with International Allies</b></p> <p>The Commission recommended that the US do more to engage other nations in developing a comprehensive coalition strategy against counter-terrorism and to create an international fund to promote modern education in the Muslim world. The US needs to rebuild its public diplomacy programs that reach out to young people in the Muslim countries and the Broadcasting Board of Governors should be provided with larger resources for television and radio broadcasting to the Arab world.</p>	<p><b>NO</b>      The Republican leadership bill does not implement these recommendations.</p>
<p><b>Assessing Homeland Defense</b></p> <p>DOD should regularly assess the Northern Command's strategies and planning in defense of the United States. The Department of Homeland Security and its oversight committees should also regularly assess the types of threats the US is facing, in order to determine the adequacy of our preparedness.</p>	<p><b>NO</b>      The Republican leadership bill does not implement these recommendations, although it expresses the Sense of the House that the DOD should assess the Northern Command's strategies and planning.</p>

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<b>COMMISSION RECOMMENDATION</b>	<b>CONTAINED IN H.R.10?</b>
<p><b>Aviation Security</b></p> <p>The Commission recommended that each individual selected for special screening should be screened for explosives, and that every passenger aircraft carrying cargo have at least one hardened container to carry any suspect cargo.</p>	<p style="text-align: center;"><b>NO</b></p> <p>The Republican leadership bill does not require that individuals selected for special screening be screened for explosives, and it does not require that passenger aircraft carrying cargo have at least one hardened container for suspect cargo.</p>
<p><b>Border Security</b></p> <p>The Commission recommended that the current “patchwork of border screening systems” should be consolidated within the USVISIT system. DHS should design a comprehensive border screening system – a large network of screening points that includes our transportation system and access to vital facilities, such as nuclear reactors.</p>	<p style="text-align: center;"><b>NO</b></p> <p>The Republican leadership bill does not implement these recommendations.</p>
<p><b>Emergency Response</b></p> <p>The Commission recommended that emergency response agencies nationwide adopt the Incident Command System. When multiple agencies or jurisdictions are involved, they should adopt a unified command. The Commission endorsed the America National Standards Institute recommended standards for private sector preparedness and urged DHS to promote their adoption.</p>	<p style="text-align: center;"><b>NO</b></p> <p>The Republican leadership bill does not implement these recommendations, although the bill expresses the Sense of the House that agencies should adopt the Incident Command System.</p>

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COMMISSION RECOMMENDATION	CONTAINED IN H.R.10?
<p><b>Information Sharing</b></p> <p>The Commission recommended that information procedures should provide incentives for information sharing across networks and databases that transcend agency lines – a new trusted information network with common standards for information use set by the NID. Congress should also provide funding to accelerate the expansion of secure email systems and classified intelligence product exchanges in FBI field officers. A single agency should be responsible for providing and maintaining security clearances.</p>	<p style="text-align: center;"><b>NO</b></p> <p>The Republican leadership bill does not implement these provisions, requiring only uniform security and common information technology standards. The FBI is required to provide secure email systems and classified intelligence product exchanges only as “practical.”</p> <p>Rather than a new agency to manage security clearances, the bill creates a new bureaucratic clearinghouse for them.</p>
<p><b>Congressional Oversight</b></p> <p>Congressional oversight of the intelligence communities should be consolidated in either a joint bicameral committee or a single committee in each house of Congress that combines authorizing and appropriations authorities. Oversight of homeland security should be consolidated in one committee in the House and Senate.</p>	<p style="text-align: center;"><b>NO</b></p> <p>The Republican leadership bill expresses the Sense of the House that the Rules Committee should act upon recommendations provided by the Select Committee on Homeland Security and other committees of jurisdiction on matters relating to homeland security.</p>
<p><b>Civil Liberties</b></p> <p>The Commission recommended that the Executive Branch develop guidelines for the use of new law enforcement authority and that an oversight board be created to oversee adherence to these guidelines.</p>	<p style="text-align: center;"><b>NO</b></p> <p>The Republican leadership bill does not require the government to develop civil liberties guidelines. It does not create the government wide civil liberties board recommended by the Commission. The bill only designates a single civil liberties officer for the intelligence community.</p>

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<b>NO COMMISSION RECOMMENDATION</b>	<b>PROVISION CONTAINED IN H.R.10</b>
<p>Commission silent.</p>	<p><u>The Republican leadership bill expands authority for law enforcement and other personnel in a number of areas, including:</u></p> <p><b>New authority allowing the President to completely undo the intelligence reforms mandated by Congress.</b> Under this provision, a presidential plan to reorganize the intelligence community would be guaranteed an up or down vote, with no amendments, within 90 days of submission to Congress.</p> <p><b>New national database on drivers’ licenses.</b> The bill includes provisions for a national database of drivers’ licenses.</p> <p><b>Expedites removal of aliens.</b> The bill directs immigration officers to order aliens “removed from the US without further hearing or review” under some circumstances.</p> <p><b>Revocation of visas.</b> The bill limits all judicial and administrative review of a revoked visa..</p> <p><b>Exceptions to the UN Convention Against Torture.</b> The bill makes an exception to America’s implementation of the UN Convention Against Torture and Other Forms of Cruel and Inhuman or Degrading Treatment or Punishment for some aliens as well as terrorists and criminals.</p> <p><b>Expands definition of “agent of a foreign power” for purposes of surveillance and search.</b> The bill allows the US government to spy on individuals without proving they are connected to a foreign government or terrorist group.</p>